



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Wells, et al. Docket No: 39750-0002DV1
Serial No: 09/981,547 Group Art Unit: 1639
Filed: October 17, 2001 Examiner: Epperson, Jon D.

For: **METHODS FOR RAPIDLY IDENTIFYING SMALL ORGANIC MOLECULE
LIGANDS FOR BINDING TO BIOLOGICAL TARGET MOLECULES**

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PRELIMINARY COMMUNICATION

MS: RCE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

The present Preliminary Communication is filed concurrently with the filing of a Request for Continued Examination (RCE) of the above-identified patent application.

Claims 58, 59, 61-66 and 81-96 are pending in this application. Claims 62-64, 66, 90-92 and 94 have been withdrawn from consideration. According to the Advisory Action mailed on December 20, 2004, claims 58, 59, 61, 65, 81-89, 93, 95 and 96 (all claims under examination) remain rejected under 35 U.S.C. § 103(a) as allegedly obvious over Kim et al. (WO 98/11436) and Siuzdak (Siuzdak, G. Mass Spectrometry for Biotechnology. New York: Academic Press. 1996, pages 119-126).

With regard to independent claims 58 and 86, on which all other claims depend, either directly or indirectly, the Examiner acknowledges that "Kim et al. is deficient in that it does not specifically teach the use of mass spectrometry." However, in the Examiner's view, Siuzdak makes up for this deficiency. In particular, according to the rejection, Siuzdak "teaches the use of electrospray mass spectrometry to study both 'non-covalent' and 'covalent' antibody-antigen interactions including fragmentation techniques like MS2 and MS3." From this, the Examiner concludes that it "would have been obvious to one skilled in the art at the time the invention was